

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Emini, Emilio A. et al.



Serial No. 10/645,187

Filed: August 21, 2003

For: ADENOVIRUS SEROTYPE 34 VECTORS, NUCLEIC
ACIDS AND VIRUS PRODUCED THEREBYArt Unit: 1632

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:


1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By  **MERCK & CO., INC.** Date July 6, 2004

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☒ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,


 By: Anna L. Cocuzzo

Attorney _____ For Applicant(s)

Reg. No. 42,452

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594- 1273

Date: July 6, 2004

(use as many sheets as necessary)

MENT BY APPLI

OFFICE
JUL 08 2004
PATENT & TRADEMARK OFFICE

many sheets as nee

of

Sheet

1

of

2

Application Number

10/645,187

Filing Date

August 21, 2003

First Named Inventor

Emini, Emilio A. et al.

Group Art Unit

1632

Examiner Name

Attorney Docket Number

21390

[illegible][illegible]Examiner
SignatureDate
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETE IF KNOWN		
			Application Number	10/645,187	
			Filing Date	August 21, 2003	
			First Named Inventor	Emini, Emilio A. et al.	
			Group Art Unit	1632	
			Examiner Name		
Sheet	2	of	2	Attorney Docket Number	21390

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Shiver, J. et al. "Replication-incompetent adenoviral vaccine vector elicits effective anti-immunodeficiency-virus immunity", Nature, 2002, Vol. 415, pp. 331-335
		Messmer, D. et al. "Human Immunodeficiency Virus Type 1 Nef Mediates Activation of STAT3 in Immature Dendritic Cells", AIDS Research and Human Retroviruses, 2002, Vol. 18, pp. 1043-1050
		Fitzgerald, J. et al. "A Simian Replication-Defective Adenoviral Recombinant Vaccine to HIV-1 Gag", The Journal of Immunology, 2003, Vol. 170, pp. 1416-1422
		Patterson, J. et al. "Potent, Persistent Cellular Immune Responses Elicited by Sequential Immunization of Rhesus Macaques with Ad5 Host Range Mutant Recombinants Encoding SIV Rev and SIV Nef", DNA and Cell Biology, 2002, Vol. 21, pp. 627-635
		Mizuguchi, H. et al. "Approaches for generating recombinant adenovirus vectors", Advanced Drug Delivery Reviews, 2001, Vol. 52, pp. 165-176
		Harris, J. et al. "Acute regression of advanced and retardation of early aortic atheroma in immunocompetent apolipoprotein-E (apoE) deficient mice by administration of a second generation [E1-, E3-, polymerase-] adenovirus vector expressing human apoE", Human Molecular Genetics, 2002, Vol. 11, pp. 43-58
		Walker, B. et al. "HIV-1 Reverse Transcriptase Is a Target for Cytotoxic T Lymphocytes in Infected Individuals", Science, 1988, Vol. 240, pp. 64-66
		Hosmalin, A. et al. "An epitope in human immunodeficiency virus 1 reverse transcriptase recognized by both mouse and human cytotoxic T lymphocytes", Proc. Natl. Acad. Sci. USA, 1990, Vol. 87, pp. 2344-2348

Examiner Signature		Date Considered	
--------------------	--	-----------------	--